Kerala Gazette No. 19 dated 13th May, 1958.
PART III

University of Kerala

NOTIFICATION

No. GA8-5208/57. *30th April 1958.*

The following amendments have been made to the Ordinances of the University:—

I

That the following be added as Chapter XXI to the Ordinaances of the University and the subsequent chapters renumbered:—

XXI—Pre-professional Examinations.

1. Admission to the Pre-professional examination shall be open to candidates who have passed the University Previous Examination of this University with Science subjects under Part II or any other examination accepted by the Syndicate as equivalent thereto and have subsequently undergone the prescribed course of study for a period of not less than one academic year in an institution maintained by or affiliated to the University and recognised for the purpose, and who will be completing the minimum age prescribed for admission to the respective professional Courses before taking up the professional course.

2. The course of study for the Pre-professional Examination shall extend over a period of one academic year.

3. There shall be Pre-professional examinations for the following subjects:—

(i) Engineering
(ii) Medicine
(iii) Ayurveda
(iv) Agriculture
(v) Veterinary Science.

4. (a) The Pre-professional courses in (i) Medicine, (ii) Ayurveda, (iii) Agriculture, and (iv) Veterinary Science shall be common and comprise the study of the follwoing subjects:—

Part I—English
Part II—Physics, Chemistry, Biology.

(b) The Pre-professional course in Engineering shall comprise the study of the following:—

Part I—English
Part II—Mathematics, Drawing, Physics, Chemistry.

5. (a) The scheme of examination for the Pre-professional Examination in Medicine, Ayurveda, Agriculture and Veterinary Science shall be as follows:—

	Subject.	*Hours.*	*Marks.*
Part I—English	I Paper (Prescribed texts)	$2\frac{1}{2}$	100
	II Paper (General English)	$2\frac{1}{2}$	100

Subject.		Hours.	Marks.
Part II—Group A—Physics	Paper I	2	75
	Paper II	2	75
	Practical	2	50
" B—Chemistry	Paper I	2	75
	Paper II	2	75
	Practical	2	50
" C—Biology	Paper I—Botany	2	75
	Paper II—Zoology	2	75
	Practical	2	50
" D—Sessional work	Physics Laboratory		50
	Chemistry Laboratory		50
	Biology Laboratory		50
	Midsessional Examination		50
	Conduct, attendance, and extra-curricular activities including athletics		50
	Total		1050

(b) The scheme of examination for the Pre-professional Examination in Engineering shall be as follows:—

Subject.		Hours.	Marks.
Part I—English—Paper I	Prescribed Text	2½	100
Paper II	General English	2½	100
Part II—Group A—Mathematics	Paper I	2½	100
	Paper II	2½	100
Drawing		3	75
" B—Physics	Paper I	2	75
	Paper II	2	75
	Practical	2	50
" C—Chemistry	Paper I	2	75
	Paper II	2	75
	Practical	2	50
" D—Sessional work	Drawing		50
	Physics Laboratory		50
	Chemistry Laboratory		50
	Midsessional Examination		50
	Conduct, attendance and extra-curricular activities including athletics		50
	Total		1125

6. Candidates for Pre-professional Examination shall be required to register themselves for both the parts of the Examination at the first appearance.

7. A candidate shall be declared to have passed the Pre-professional examination if he obtains—

(i) not less than 35 per cent of the marks in Part I—English;

(ii) not less than 35 per cent of the marks in each of the Groups A, B and C of Part II and not less than 50 per cent of the marks in Group D.

8. A candidate may pass the whole examination by passing in both the parts at the same or different examinations. A candidate shall be declared to have passed in any part of the Examination on his obtaining in that part the minimum marks prescribed.

9. Candidates who pass in both the parts at the same examination and obtain not less than 60 per cent of the total marks shall be placed in the First Class those who obtain less than 60 per cent but not less than 50 per cent shall be placed in the Second Class and all other successful candidates including those who complete the examination by passing in parts at different examinations in the Third Class.

Candidates who pass the whole examination at one sitting and obtain 75 per cent or above in any of the subjects shall be declared to have passed with distinction in that particular subject.

10. No details of marks will be made available to the candidates but a symbolic representation of the grade of attainment in each subjects, and the Class obtained in the whole examination in the case of those who pass or complete the whole examination will be indicated in the grade certificate that will be issued soon after the publication of the provisional list of successful candidates on payment of the prescribed fee.

11. The following symbols shall be used—

Symbol A-One	to denote 75 per cent and above of the marks in any of the subjects provided the candidate passes the whole examination in one sitting.
Symbol A	to denote 60 per cent and above of the marks.
Symbol B	to denote 50 per cent and above of the marks, but below 60 per cent.
Symbol C-Plus	to denote 45 per cent and above of the marks, but below 50 per cent in Part I and Groups A, B and C of Part II.
Symbol C	to denote 35 per cent and above but below 45 per cent in Part I and in Groups A, B and C of Part II.
Symbol F	to denote failure.

12. No candidate shall be permitted to appear for the Pre-professional Examination on more than three occasions or to withdraw from it.

13. Every candidate admitted to the Pre-Professional Course shall, unless exempted by the Syndicate on medical grounds, be required to undergo a course of Physical training prescribed by the college and approved by the University and the annual attendance and progress certificate of the candidate shall not be

considered complete unless the Principal of the College has certified that he has undergone the prescribed course in Physical Training. The course of Physical Training to be prescribed by a college and certified by the Principal may include as alternatives—

(i) Membership of the N. C. C. or Auxiliary Cadet Corps.

(ii) Field sports or games.

(iii) Formal physical exercises, provided that the activities are pursued for not less than the period a week of not less than 45 minutes' duration each.

The above amendment has been brought into force with effect from March 1958.

II

That the following be substituted for Section 10 of Chapter XVI—Qualifications of Teachers—of the Ordinances.

10. TEACHERS IN THE MEDICAL COLLEGE.

General.

1. All Teachers must possess a basic University Medical Qualification, M. B. B. S. or an equivalent degree entered in the schedules to the Indian Medical Council Act.
2. They must be registered under the State or Central Medical Registration Act.
3. They must possess special academic qualifications and teaching experience as entered below against each post.

Post.	*Academic qualifications.*	*Teaching experience.*
	Anatomy.	
Professor	Post-graduate/Research degree in Anatomy viz., M. Sc. or Ph. D. or D. Sc. or M. R. C. P. or F. R. C. S. with Anatomy as special subject	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking post-graduate qualification.
Associate Professor	Post-graduate/Research degree in Anatomy viz., M. Sc. or Ph. D. or D.Sc. or M. R. C. P. or F. R. C. S. with Anatomy as special subject	Three years' teaching experience in the subject in a Medical College of which 2 years shall be after taking post-graduate qualification
Assistant Professor	Post-Graduate/Research degree in Anatomy viz., M. Sc., Ph. D. or D. Sc. or M. R. C. P. or F. R. C. S. with Anatomy as special subject	Two years' teaching experience in the subject in a Medical College.
Assistant Professor II Grade	Graduation in Medicine	Three years' teaching experience in the subject in a Medical College with research to his credit.

Post.	*Academic qualifications*	*Teaching experience.*
Demonstrators	Graduation in Medicine plus House Surgeoncy for a minimum period of one year.	..
	Physiology.	
Professor	Post-graduate/Research degree in Physiology viz. M. Sc. or Ph. D. or D. Sc. or M. R. C. P., M. D. or D. Phil., with Physiology as special subject.	Five years' teaching experience in the subject in a Medical College of which 3 years shall be after taking post-graduate qualification.
Associate Professor	Post-graduate/Research degree in Physiology viz. M. Sc. or Ph. D. or D. Sc. or M. R. C. P., M. D., or D. Phil. with Physiology as special subject	Three years' teaching experience in the subject in a Medical College of which 2 years shall be after taking Post-graduate qualification.
Assistant Professor	Post-graduate/Research degree in Physiology viz. M. Sc. or Ph. D. or D.Sc. or M. R. C. P., M. D. or D. Phil. with Physiology as special subject	Two years teaching experience in the subject in a Medical College.
Assistant Professor II Grade	Graduation in Medicine	Three years teaching experience in the subject in a Medical College with research to his credit.
Demonstrator	Graduation in Medicine plus House Surgeoncy for a minimum period of one year	nil.
	Biochemistry.	
Professor	Post-graduate/Research degree viz., M. Sc. or Ph. D. or D. Sc., with Biochemistry as special subject. (in addition to MBBS). If suitable medical men are not available with these qualifications, non-medical men may be appointed as Associate Professors against the vacancy)	Five years teaching experience in the subject in a Medical College of which 3 years shall be after taking post-graduate qualification.
Associate Professor	Post-graduate/Research degree viz., M. Sc. or Ph. D. or D. Sc., with Biochemistry as special subject (In addition to MBBS.)	Three years teaching experience in the subject in a Medical College of which 2 years shall be after taking Post-graduate qualification,

Post.	*Academic qualifications.*	*Teaching experience.*
Assistant Professor	Post-graduate/Research degree viz., M. Sc., or Ph. D. or D. Sc. with Biochemistry as special subject (In addition to MBBS.)	Two years teaching experience in the subject in a Medical College.
Assistant Professor II Grade	Graduation in Medicine (for Non-medicals — a Post-graduate degree in Biochemistry)	Three years' teaching experience in the subject in a Medical College with research to his credit.
Demonstrator	Graduation in Medicine with one year's House Surgeoncy or a Post-graduate degree in Biochemistry or Chemistry for Non-medicals	Nil.

Pharmacology.

Professor	Post-graduate/Research degree in the subject viz. Ph. D. or M. Sc., D. Sc. or M. R. C. P. in Pharmacology	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking Post-graduate qualification.
Associate Professor	Post-graduate/Research degree in the subject viz. Ph. D. or M. Sc., D. Sc. or M. R. C. P. in Pharmacology	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking Post-graduate qualification.
Assistant Professor	Post-graduate/Research degree in the subject viz. Ph. D. or M. Sc., D, Sc. or M. R. C. P. in Pharmacology	Two years' teaching experience in the subject in a Medical College.
Assistant Professor II Grade	Graduation in Medicine	Three years' teaching experience in the subject in a Medical College with research to his credit.
Demonstrator	Graduation in Medicine plus House Surgeoncy for a minimum period of one year	..

Pathology.

Professor	Post-graduate/Research degree in the subject viz. M. D. or Ph. D. or D. Sc. in Pathology	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking Post-graduate qualification,

Post.	*Academic qualifications.*	*Teaching experience.*
Associate Professor	Post-graduate/Research degree in the subject viz. M. D. or Ph. D. or D.Sc. in Pathology	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking the Post-graduate qualification.
Assistant Professor	Post-graduate/Research degree in the subject viz. M. D. or Ph. D. or D. Sc. in Pathology	Two years' teaching experience in the subject in a Medical College.
Assistant Professor II Grade	Graduation in Medicine	Three years' teaching experience in the subject in a Medical College with research to his credit.
Demonstrator	Graduation in Medicine plus House Surgeoncy for a minimum period of one year.	..

Bacteriology.

Professor	Post-graduate/Research degree viz. M. D. or M. R. C. P. or Ph. D., M. Sc. or D. Sc. in Bacteriology	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking Post-graduate qualification.
Associate Professor	Post-graduate/Research degree viz., M. D. or M. R. C. P. or Ph. D., M. Sc. or D. Sc. in Bacteriology	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking Post-graduate qualification.
Assistant Professor	Post-graduate/Research degree viz., M. D. or M. R. C. P. or Ph. D., M. Sc. or D. Sc. in Bacteriology	Two years' teaching experience in the subject in a Medical College.
Assistant Professor II Grade	Graduation in Medicine	Three years' teaching experience in the subject in a Medical College with research to his credit.
Demonstrator	Graduation in Medicine plus house Surgeoncy for a minimum period of one year.	Nil.

Post	Academic qualifications.	Teaching experience.
	Social and Preventive Medicine.	
Professor	D. P. H., or Dr. P. H. or B. S. Sc., or M. P. H.	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking post-graduate qualification, or 8 years administrative . experience as a District Health Officer or City or Corporation Health Officer.
Associate Professor	D. P. H. or Dr. P. H. or B. S. Sc., or M. P. H.	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking post-graduate qualification, or 8 years administrative experience as a District Health Officer or City or Corporation Health Officer.
Assistant Professor	D. P. H. or Dr. P. H. or B. S. Sc., or M. P. H.	Two years' teaching experience in the subject in a Medical College or 5 years administrative experience as a District Health Officer or City or Corporation Health Officer.
Assistant Professor II Grade	Graduation in Medicine	Three years' teaching experience in the subject in a Medical College with research to his credit.
Demonstrator	Graduation in Medicine plus House Surgeoncy for a period of one year.	Nil
	Forensic Medicine.	
Professor	M. D. with Forensic Medicine as special subject or M. D. or M.R.C.P. in Pathology	Five years' teaching experience in the subject of Pathology or Forensic Medicine in a Medical College of which 3 years shall be after taking post-graduate qualification.
Associate Professor	M. D. with Forensic Medicine as special subject or M. D. or M.R.C.P. in Pathology	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking post-graduate qualification.

Post	Academic qualifications.	Teaching experience.
Assistant Professor	M. D. with Forensic Medicine as special subject or M. D. or M.R.C.P. in Pathology	Two years' teaching experience in the subject in a Medical College.
Assistant Professor II Grade	Graduation in Medicine	Three years' teaching experience in the subject with research to his credit.
Demonstrator	Graduation in Medicine with one year's house-surgeoncy.	Nil

CLINICAL DEPARTMENT.

Medicine.

Post	Academic qualifications.	Teaching experience.
Professor	M. D. or M. R. C. P. in the subject	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking post-graduate qualification.
Associate Professor	M. D. or M. R. C. P. in the subject	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking post-graduate qualification.
Assistant Professor	M. D. or M. R. C. P. in the subject	Two years' teaching experience in the subject in a Medical College.

(When candidates with these qualifications are not available, then candidates with a lower post-graduate qualification such as D. T. M. may be appointed temporarily till a suitable candidate is available).

Post	Academic qualifications.	Teaching experience.
Tutor	Graduation in Medicine plus house surgeoncy for a minimum period of one year	Nil

Surgery

Post	Academic qualifications.	Teaching experience.
Professor	M. S. or F. R. C. S. in the subject	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking post-graduate qualification.
Associate Professor	M. S. or F. R. C. S. in the subject	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking post-graduate qualification.

Post.	*Academic qualifications.*	*Teaching experience.*
Assistant Professor	M. S. or F. R. C. S. in the subject	Two years' teaching experience in the subject in a Medical College.

(When candidates with these qualifications are not available, then candidates with a lower post-graduate qualification may be appointed temporarily till a suitable candidate is available).

Tutor	Graduation in Medicine and house-surgeoncy for a minimum period of one year.	Nil

Obstetrics and Gynaecology

Professor	M. D. (Midwifery), M. M. or M. R. C. O. G. or F. R. C. O. G. or F. R. C. S. in Gynaecology.	Five years' teaching experience in the subject in a Medical College of which 3 years' shall be after taking a post-graduate qualification
Associate Professor	do.	Three years' teaching experience in the subject in a Medical College of which 2 years' shall be after taking post-graduate qualification.
Assistant Professor	do.	Two years' teaching experience in the subject in a Medical College.

(When candidates with these qualifications are not available then candidates with a lower post-graduate qualification such as D. G. O. may be appointed temporarily till a suitable candidate is available).

Tutor	Graduation in Medicine plus house-surgeoncy for a minimum period of one year	Nil

Ophthalmology

Professor	M. S. or F. R. C. S. in Ophthalmology. If such candidates are not available, persons with D. O. M. S. or D. O. may be temporarily appointed till suitable candidates with the requisite qualifications are available	Five years' teaching experience in the subject in a Medical College of which 3 years shall be after taking post-graduate qualification.

Post.	*Academic qualifications.*	*Teaching experience.*
Assistant Professor	M. S. or F. R. C. S. in Ophthalmology. If such candidates are not available, D. O. M. S. or D. O. may be considered as equivalent qualification	Teaching experience of two years in the subject in a Medical College.

(When candidates with these qualifications are not available, then candidates with a lower post-graduate qualification may be appointed temporarily till a suitable candidate is available).

SPECIAL BRANCHES

Under Medicine.

Assistant Professor (Children's diseases)	M. D. or M. R. C. P. with Paediatric as special subject or M. R. C. P. with D. C. H.	Two years' teaching experience in the subject in a Medical College.
Assistant Professor (Tuberculosis)	M. D. or M. R. C. P. with Tuberculosis as special subject or Diploma in T. D. with 3 years' experience in Tuberculosis	do.
Assistant Professor (Venereal Diseases)	M. D. or M. R. C. P. in Medicine or M. S. or F. R. C. S. in Surgery with experience in venereal diseases or any equivalent qualification	do.
Assistant Professor (Psychiatry)	M D., or M.R.C.P. with experience in Psychological medicine or Diploma in Psychological medicine	do.
Assistant Professor (Radiology)	M. D. or M. R. C. P. or M. S. or F. R. C. S. with experience in Radiology or an equivalent qualification	Two years' teaching experience in the subject in a Medical College.

(When candidates with these qualifications are not available then candidates with a lower post-graduate qualification may be appointed temporarily till a suitable candidate is available).

Under Surgery.

Assistant Professor (Anaesthesia)	M. S. or F. R. C. S. in General Surgery with experience in Anaesthesia or diploma in Anasthesia	Two years' teaching experience in the subject in a Medical College.

Post.	Academic qualifications.	Teaching experience.
Assistant Professor (Orthopaedics)	M. S., M. Ch. or F. R C. S. in the special subject or M. S in general surgery with experience in Orthopaedics.	do.
Assistant Professor (Children's diseases)	M. S. or F. R. C. S. with experience in children's diseases.	do.
Assistant Professor (Otorhinolaryingology)	M. S. or F. R. C. S. in the subject or M. S. or F. R. C. S. in General Surgery with experience in E. N. T.	do.
Assistant Professor (Dental Surgery)	M. S. or F. R. C. S. in General Surgery with experience in Dental Surgery	do.

(When candidates with these qualifications are not available then candidates with a lower post-graduate qualification may be appointed temporarily till a suitable candidate is available).

The above amendment has been brought into force with effect from 13th March, 1958.

V. P. KANNAN NAIR,
Registrar.

University Buildings,
Trivandrum.

Kerala Gazette No. 20 dated 20th May 1958.
PART III

THE HIGH COURT OF KERALA

NOTIFICATION

B1. 3312|58. Ernakulam, dated, 23rd April 1958.

Under the provisions of section 122 of the Code of Civil Procedure, 1908, the High Court hereby publishes for general information the following draft amendments to the First Schedule and to the forms in appendices A to H of the first schedule of the said code.

The draft amendments will be taken into consideration on or after the 30th May 1958 and objections or suggestions thereto received before the date will be considered by the High Court.

DRAFT AMENDMENTS

In the First Schedule to the Code of Civil Procedure, 1908, (1) in order II, after rule 7, the following rule shall be inserted namely:—

(1) **Rule 8 Plaint Amended.**—Where an objection duly taken has been allowed by the court the plaintiff shall be permitted to select the cause of action with which he will proceed and shall within a time to be fixed by the court amend the plaint suitably.

(2) When the plaintiff has selected the cause of action with which he will proceed the court shall pass an order giving him time within which to submit the amended plaint for the remaining cause of action and for making up the court fees that may be necessary. Should the plaintiff not comply with the courts order the court shall proceed as provided in Rule 18 of Order VI and as required by the provisions of the Court Fees Act.

(2) in Order III—

(a) in rule 4, (i) in sub-rule (2), after the words "Every such appointment" the words "when accepted by the pleader in writing" shall be inserted.

(ii) in sub-rule (3), after the words, "or section 152" the words "or application under Order IX rules 9 or 13 of this code" shall be inserted.

(iii) sub-rule (5) shall be omitted,

(iv) after sub-rule (5) the following sub-rule shall be inserted, namely:—

(6) No Government or other Pleader appearing on behalf of the Government or on behalf of any public servant sued in his official capacity shall be required to present any document empowering him to act, but such pleader shall file a memorandum of appearance signed by himself and stating:—

(a) the names of the parties to the suit

(b) the name of the party for whom he appears; and

(c) the name of the person by whom he is authorised to appear

(3) in order V—

(a) in rule 2, the words "or if so, permitted by a concise statement" shall be omitted.

(b) in rule 5

(i) for sub-rule (2) the following sub-rule shall be substituted, namely:—

(2) "for the defendant to appear and state whether he contests or does not contest the claim and directing him if he contests to receive directions as to the date on which he has to file his written statement the date of trial and other matters and if he does not contest for final disposal of the suit at once",

(ii) to sub-rule (3) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that in every non-appealable cases the summons shall be for the final disposal of the suit"

(b) in rule 9, after sub-rule (2) the following sub-rule shall be inserted, namely:—

(3) "Where the defendant resides in India whether within the jurisdiction of the Court in which the suit is instituted or not, the Court may direct the proper officer to cause a summons under this order to be addressed to defendant at the place where he ordinarily resides or carries on business or works for gain and sent to him by registered post prepared for acknowledgment. An acknowledgment purporting to be signed by the defendant shall be deemed to be sufficient proof of service of such summons,"

(d) in rule 15(1) for the word "male" in the marginal notes the word "adult" shall be substituted and the word "male" in the rule shall be omitted.

(e) to rule 25, the following shall be added as first proviso, namely:—

"Provided that, if by any arrangement between the Covernment of the State in which the Court issuing the summons is situate and the Government of the foreign territory in which the defendant resides the summons can be served by an officer of the Covernment of such territory, the summons may be sent to such officer in such manner as by the said arrangement may have been agreed upon"

(f) in rule 26—

(i) after clause (b) the following clause shall be inserted namely:—

(c) by any arrangement between the Government of the State in which the Court issuing the summons or process is situate and the Government of the foreign territory in which the defendant resides the summons or process can be served by an officer of the Government of such territory.

(ii) in the first line, last paragraph, after the words "the summons" the words "or process" shall be inserted.

(g) in rule 28 after the words "the court shall send" the words "by registered post prepaid for acknowledgment" shall be inserted.

(h) after rule 29, the following rule shall be inserted, namely:—

Service where defendant is a public officer said in his Official capacity.—"29-A. Notwithstanding anything contained in the foregoing rules, where the defendant is a public officer (not belonging to Military or naval forces) sued in his official capacity, service of summons shall be made by sending a copy of the summons to the defendant by registered post prepaid for acknowledgment together with the original summons, which defendant shall sign and return to the Court which issued the summons."

(i) after rule 30 the following rule shall be inserted, namely:—

"31(1) The court may, on the application of the plaintiff and on such terms as to security or otherwise as the Court thinks fit, dispense with the service of summons on a defendant who is resident in territory belonging to or occupied by a State at war with the Government:

Provided that an order dispensing with service of summons shall not be made unless the Court is satisfied that the defendant is resident in such territory and that service of summons on him in the mode prescribed by the Code is not possible.

(2) The Court may before making the said order direct such publication of the application as it considers necessary in the circumstances.

(3) Where in any suit an order dispensing with service of summons on a defendant is made under this rule and a decree or order is passed against him, the Court may on his application and on such terms as may be just, set aside such decree or order and appoint a day for proceeding with the suit.

(4) The provisions of the first proviso to rule 13 of Order IX and the provisions of rule 14 of the said order shall apply to an order setting aside a decree or order under sub-rule (3).

(5) The application under sub-rule (3) shall be filed within one year from the date of cessation of hostilities with the said State.

(6) The provisions of section 5 of the Indian Limitation Act 1908 shall apply to applications under sub-rule (3).

(7) The provisions of this Rule shall apply *mutatis mutandis* to a respondent in an appeal or a Civil Revision Petition who is resident in such territory as is referred to in sub-rule (1).

(4) in order VI after rule 4, the following rule shall be inserted, namely:—

"4-A (1) In a suit for infringement of patent the plaintiff shall state in his plaint or annex thereto the particulars of the breaches relied upon.

(2) In any such suit the defendant if he disputes the validity of the patent shall state in his written statement or annex thereto the particulars of the objections on which he relies in support of such invalidity.

(2) At the hearing of any such suit no evidence shall except by leave of the Court (to be given upon such terms as to the court may seem just) be admitted in proof of any alleged infringement or objections not raised in the particulars of breaches or objections respectively."

(5) in order VII—

(a) in rule 1 in clause (d) at the end, the words "and in the case of a minor a statement regarding his age to the best of the knowledge and belief of the person verifying the plaint" shall be added.

(b) in rule 9—

(i) in sub-rule (1), after the words "produced along with it and" the words "shall present along with plaint as many copies on plain paper of the plaint as there are defendants" shall be inserted

(ii) sub-rule (2) shall be omitted

(iii) sub-rule (3) shall be omitted

(iv) in sub-rule (4) the words 'or statement' shall be omitted.

(6) in Order VIII, rule 1 shall be renumbered as sub-rule (1) thereof, and—.

(a) in sub-rule (1) as so renumbered, at the end, the words "and with such written statement shall produce in court all documents in his

possession or power or which he bases his defence or any claim for set off" shall be added

(b) after sub-rule (1) as so renumbered the following sub-rules shall be inserted namely:—

(2) "Where he relies on any other documents as evidence in support of his defence or claim for set off he shall enter such documents in a list to be added or annexed to the written statement.

(3) A document which ought to be produced in court with the written statement under sub-rule (1) or to be entered in the list referred to sub-rule (2) but which has entered accordingly shall not without the leave of the Court be received in evidence on the defendant's behalf at the hearing of the suit.

(4) Nothing in this rule shall apply to documents produced for cross-examination of the plaintiff's witnesses or handed to a witness merely to refresh his memory"

(7) after Order VIII the following order shall be inserted, namely:—

"ORDER VIII-A-THIRD PARTY PROCEDURE

1. **Third party notice.**—Where a defendant claims to be entitled to contribution from or indemnity against any person not already a party to the suit (hereinafter called a third party) he may, by leave of the Court, issue a notice (thereinafter called a third party notice) to that effect, sealed with the seal of the Court. The notice shall state the nature and grounds of the claim. Such notice shall be filed into Court with a copy of the plaint and shall be served on the third party according to the rules relating to the service of summons.

2. **Effect of notice.**—The third party shall, as from the time of the service upon him of the notice, be deemed to be a party to the action with the same rights in respect of his defence against any claim made against him and otherwise as if he had been duly sued in the ordinary way by the defendant.

3. **Default of third party.**—If the third party desires to dispute the plaintiff's claim in the suit as against the defendant on whose behalf the notice has been given, or his own liability to the defendant the third party may enter appearance in the suit on or before the date fixed for his appearance in the notice. If he does not enter appearance he shall be deemed to admit the validity of the decree that may be obtained against such defendant, whether by consent or otherwise, and his own liability to contribute of indemnify as the case may be, to the extent claimed in the third party notice: Provided always that a person so served and failing to appear may apply to the Court for leave to appear, and such leave may be given upon such terms if any, as the Court shall think fit.

4. **Procedure on default.**— Where the third party does not enter appearance in the suit and the suit is decreed by consent or otherwise in favour of the plaintiff, the Court may pass such decree as the nature of the case may require, against the third party and in favour of the defendant on whose behalf notice was issued: Provided that execution thereof shall not be issued without leave of the Court until after satisfaction by such defendant of the decree against him.

5. **Third party directions.**—If the third party enters appearance, the defendant on whose behalf notice was issued may apply to the Court for directions; and the Court may, if satisfied that there is a question

to be tried as to the liability of the third party to make the contribution or pay the indemnity claimed, in whole or in part, order the question of such liability, as between the third party and the defendant giving the notice, to be tried in such manner, at or after the trial of the suit, as the Court may direct; and, if not so satisfied, may pass such decree or order as the nature of the case may require.

6. **Leave of defend.**—The Court may, upon the hearing of the application mentioned in rule 5, give the third party liberty to defend the suit upon such terms as may be just, or to appear at the trial and take such part therein as may be just, and generally may order such proceedings to be taken, documents to be delivered or amendments to be made and give such directions as appear proper for the most convenient determination of the question or questions in issue, and as to the mode and extent in or to which the third party shall be bound or made liable by the decree in the suit.

7. **Costs.**—The Court may decide all questions of costs, as between the third party and the other parties to the suit, and may order any one or more to pay the costs of any other or others, or give such directions as to costs as the justice of the case may require.

8. **Questions between co-defendants.**—Where a defendant claims to be entitled to contribution from or indemnity against any other defendant to the suit, a notice may be issued and the same procedure shall be adopted for the determination of such questions between the defendants as would be issued and taken, if such last mentioned defendant were third party; but nothing herein contained shall prejudice the rights of the plaintiff against any defendant in the suit.

9. **Further parties.**—Where any person served with a third party notice by a defendant under these rules claims to be entitled to contribution from or indemnity against any person not already a party to the suit, he may, by leave of the Court, issue a third party notice to that effect, and the preceding rules as to the third party procedure shall apply mutatis mutandis to every notice so issued and the expressions "third party notice" and "third party" in these rules shall apply to and include every notice so issued and every person served with such notice respectively."

(8) in Order IX—

(a) in rule 5 in sub-rule (1) for the words "three months from the date of return made to the Court by the Officer ordinarily certifying to the Court returns made by the serving officers" the words, "one month from the next hearing of the suit or from the notice regarding the non service of summons given by the court to the plantiff or his counsel" shall be substituted"

(b) in rule 13—

(i) in the first proviso after the words "defendants also" the words "after notice to them" shall be inserted.

(ii) the following shall be added as second proviso to the rule, namely:—

"Provided further that no court shall set aside a decree passed ex-parte merely o[illegible]e ground that there has been an irregularity in the service of summons if it is satisfied that the defendant had notice of the date of hearing in sufficient time to appear and answer the plaintiff's claim."

(9) in Order XII, rule 6 shall be renumbered as sub-rule (1) thereof, and after sub-rule (1) as so renumbered, the following sub-rules shall be inserted, namely:—

"(2) The Court may also of its own motion make such order or give such judgment as it may consider just, having due regard to the admissions made by the parties.

(3) Whenever an order or judgment is pronounced under the provisions of this rule a decree may be drawn up in accordance with such order or judgment and bearing the same date as the day on which the order or judgment was pronounced."

(10) in order XIII—

(a) in rule 7, to sub-rule (2), the following proviso shall be added, namely:—

"Provided that no document shall be returned which by force of the decree has become wholly void or useless"

(b) in rule 9, after sub-rule (2), the following sub-rules shall be inserted, namely:—

"(3) Every application for return of a document under the first proviso to sub-rule (1) shall be made by a certified petition and shall set forth facts justifying the immediate return of the original.

(4) The Court may make such order as it thinks fit for the costs of any or all the parties to any application, under sub-rule (1). The Court may further direct that any costs incurred in complying with or paid on application under sub-rule (1) or incurred in complying with the provisions of rule 5 of this order shall be included as costs in the cause.

(5) Subject to the provisions of Rule 8 above, where a document is produced by a person who is not a party to the suit and such person applies for the return of the document as hereinbefore provided and undertakes to produce it whenever required to do so, the Court shall, except for reasons to be recorded by it in writing, require the party on whose behalf the document was produced, to substitute with the least possible delay a certified copy of the original and shall thereupon cause the original document to be returned to the applicant and may further make such order as to costs and charges in this behalf as it thinks fit. If the copy is not so provided within the time fixed by the Court the original document shall be returned to the applicant without further delay."

(11) in Order XV, rule 2 shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

"(2) Whenever a judgment is pronounced under the provisions of this rule a decree may be drawn up in accordance with such judgment bearing the same date as the day on which the judgment was pronounced"

(12) in order XVI—

(a) in rule 2, after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(4) Where the summons is served on the witness by the party directly, the expenses mentioned in clause (1) shall be paid to the witness by the party or his agent"

(b) in rule 3, the following shall be inserted as para (2), namely, "In the case of employees of the Central Government or the State Government or a State Railway sums paid into court as subsistence allowance

or compensation shall be credited in the Treasury to the Credit of the Central Government or the State Government or a State Railway as the case may be."

(c) after rule 4, the following rules shall be inserted, namely:—

"4A. **Special provision for public servants summoned as witness in suits to which Government is a party.**—(1) Notwithstanding anything contained in the foregoing rules in suit by or against the Government no payment in accordance with rule 2 or rule 4 shall be required when an application on behalf of Government is made for summons to a Government servant whose attendance is required in a court situate more than five miles from his headquarters; and the expenses incurred by the Government in respect of the attendance of the witness shall not be taken into consideration in determining the costs incidental to the suit.

(2) When any other party to such a suit applies for a summons to such an officer he shall deposit in court a sum of money for the travelling and other expenses of the officer according to the scale prescribed (by the Government under whom he is serving) and shall also pay any other sum that may be required under rule 4 according to the same scale and the money so deposited or paid shall be credited to the Government.

(3) In the case of employees of the Central Government or a State Railway sums paid into Court as subsistence or compensation shall be credited in the Treasury to the credit of the Central Government or State Railway as the case may be..

(4) In all cases where a Government servant appears in accordance with this rule, the Court shall grant him a certificate of attendance.

4B. **Special provision for public servants summoned as witnesses in suits in which the Government is not a party.**— (1) Notwithstanding anything contained in the foregoing rules in all suits or other proceedings to which the Government is not a party where a servant of the Central Government or a State Government or a Railway employee is summoned to give evidence and or to produce documents in his public capacity the Court shall direct the party applying for summons to deposit such sum of money as well in the opinion of the Court be sufficient to defray the travelling and other expenses of the officer concerned as for a journey on tour and on the deposit of such sum the court shall direct the summons to be issued and out of the sum so deposited or out of any further sum which the court may subsequently direct the party applying for summons to deposit, the court shall on the appearance before court of the officer summoned or as soon thereafter as is practicable pay him the amount of travelling and other expenses admissible to him as for a journey on tour under rules applicable to his service.

(2) The Officer appearing before court in accordance with sub-rule (1) shall produce a certificate by the head of the office showing the rules of travelling and other allowances admissible to him by the court shall be computed on the basis of the rates specified in such certificate"

(d) for rule 8 the following rule shall be substituted, namely:—

"8(1) A summons under this order may be delivered by the court to the party applying for such summons for making service on the witness:

Provided that when the party so desires, or is unable after due diligence to effect such service, the summons shall be delivered through the proper officer of the court.

(2) Service of summons on a witness by the party or by the proper officer shall, as nearly as may be, be in the same manner as on a defendant and the rules in Order V as to proof of service shall apply in the case of all summons served under this rule."

(e) to rule 10 for the existing proviso the following proviso shall be substituted, namely:—

"Provided that no Court exercising Small Cause jurisdiction shall make an order for the attachment of immovable property"

(f) Rule 21, shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered the following sub-rule, shall be inserted, namely:—

"(2) When a party to a suit gives evidence on his own behalf, the court may in its discretion, permit him to include as costs in the suit a sum of money equal to the amount payable for travelling and other expenses to other witnesses in the case of similar standing"

(13) in Order XVIII, in rule 2, after sub-rule 3, the following explanation shall be added, namely:—

Explanation: "Nothing in this rule shall affect the discretion of the court to direct or permit the examination of any witnesses at any stage of the suit for reasons to be recorded"

(14) in order XX—

(a) rule (1) shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered the following sub-rule shall be inserted namely:—

"(2) The judgment may be pronounced by dictation to a shorthand writer in open court"

(b) in rule 4(i); in sub-rule (1), for the words "Judgment of a court of Small Causes" the words "Judgment in suits tried as Small Causes"

(ii) in sub-rule (2) for the words "Judgments of other courts" the words "Judgments in all other cases" shall be substituted.

(c) in rule 6 in sub-rule (1) after the words "and description of parties" the words "their addresses for service" shall be inserted.

(d) to rule 7, the following proviso shall be added, namely:—

"Provided that the decrees of the High Court may be signed by the Officer empowered in that behalf".

(e) in rule 12 after sub-rule (2), the following sub-rule shall be inserted, namely:—

"(3) Where an Appellate Court directs such an inquiry, it may direct the Court of First instance to make the inquiry; and in very case the court of first instance may of its own accord, and shall whenever moved to do so by the decree-holder, inquire and pass the final decree"

(f) for rule 18 the following rule shall be substituted, namely:—

18. **Decrees in suits for partition of property or separate possession of a share therein.**—"Where the Court passes a decree for the partition of property or for the separate possession of a share therein, the Court may if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the rights of the several parties interested in the property and giving such further directions as may be required."

(15) In order XXI—

(a) in rule 2, in sub-rule (2) for the words "The judgment debtor" the words "Any party to the suit or his legal representative or any person who has become surety for the decree debt" shall be substituted.

(b) rule 9 shall be omitted

(c) In rule 11, in sub-rule (2) after clause (j), the following shall be inserted, namely:—

"In an execution petition praying for relief by way of attachment of decree of the nature specified in sub-rule (1) of rule 53 of this order, there shall not be included any other relief mentioned in this clause".

(d) in rule 14—

(i) for the marginal notes the following shall be substituted namely:—

"Power to require certified extracts from registers of revenue accounts".

(ii) For the words "in the office of the Collector", the words "in the revenue accounts" shall be substituted.

(e) in rule 17, in sub-rule (1), for the words, "or may allow the defect to be remedied then and there Or the words "if the defect is not remedied" shall be substituted.

(f) after rule 17, the following rule shall be inserted, namely.

"17-A. Where an application is made in a court for the execution of a decree or order passed against a defendant in respect of whom service of summons has been dispensed with under rule 31 of Order V, the Court shall ordinarily direct stay of execution of the decree or order against such defendant till the expiry of a period of one year after cessation of hostilities with State in whose territory such defendant was resident:

Provided that the Court may, if it considers that the interests of justice so require, order execution on such terms as to security or otherwise as it thinks fit".

(g) in rule 22, in sub-rule (1)

(i) in clause (a), for the words 'one year' the words 'two years' shall be substituted.

(ii) after clause (b), the following clause shall be inserted, namely, "(c) where the party to the decree has been declared insolvent, against the Assignee or Receiver in insolvency, the Court executing the decree shall issue a notice to the person against whom execution is applied for requiring to show cause, on a date to be fixed, why the decree should not be executed against him:"

(iii) in the proviso to the rule for the words 'one year' in the lines two and four the words, 'two years' shall be substituted.

(d) after sub-rule (1), the following sub-rule shall be inserted, namely:—"(I-A) Where from the particulars mentioned in the application in compliance with rule 11(2) (ff) supra or otherwise the Court has information that the original decree holder has transferred any part of his interest in the decree, the Court shall issue notice of the application to all parties to such transfer, other than the petitioner, where he is a party to the transfer"

(e) in sub-rule (2) for the words "in the foregoing rules" the words "in sub-rule (1)" shall be substituted.

(d) to sub-rule (2), the following proviso shall be added, namely:—

"Provided that no order for execution of a decree shall be invalid owing to the omission of the Court to record its reasons unless the judgment-debtor has sustained substantial injury as the result of such omission".

(e) in rule 24, in sub-rule (3) at the end, the words "and a day shall be specified or before which it shall be returned to the court" shall be added.

(f) in rule 25(1), for sub-rule (2), the following sub-rule shall be substituted, namely,

"(2) Where in the case of a decree for the payment of money the process is not executed owing to the decree having been satisfied such officer shall also obtain an endorsement on the process to that effect signed by the decree-holder and attested by two respected witnesses who can identify the decree-holder."

(ii) after sub-rule (2) the following sub-rule shall be inserted, namely:—

"(3) Where the endorsement of such officer is to the effect that he is unable to execute the process, the Court shall examine him or cause him to be examined by any other Court touching his alleged inability, and may, if it thinks fit, summon and examine witnesses as to such inability, and shall record the result:

Provided that on examination of the officer entrusted with the execution of a process by the Nazir or the Deputy Nazir under the general or special orders of the Court shall be deemed to be sufficient compliance with the requirement of this clause.

Where the inability to execute the process is stated to be due to the satisfaction of the decree and such satisfaction has been endorsed on the process as mentioned in sub-rule (2) above, the Court shall issue notice to the decree-holder to show cause on a day to be fixed by the Court, why such satisfaction should not be recorded as certified and the court shall record the same accordingly.

A record of satisfaction under the provisions of this sub-rule shall have the same effect as one under the provisions of O.XXI, rule (2) sub-rule (2).

(g) in rule 31—

(i) in sub-rule (2) for the words 'six months' the words "three months" shall be substituted.

(ii) in sub-rule (3) for the words 'six months' the words 'three months' shall be substituted.

(iii) after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(4) The Court may on application extend the period of three months mentioned in sub-rules (2) and (3) to such period not exceeding six months on the whole as it may think fit"

(h) in rule 32 in sub-rule (3):—

(i) for the word "one year" the words "three months" shall be substituted.

(ii) at the end the following sentences shall be added namely,

"The court may on application extend the period of three months mentioned herein to such period not exceeding one year on the whole as it may think fit".

(i) in rule 38, at the end the words "or unless satisfaction of the decree be endorsed by the decree-holder on the warrant in the manner provided in rule 25(2) above" shall be added.

(j) in rule 39 for sub-rules (4) and (5) the following sub-rules shall be substituted, namely:—

(4) "Such sum (if any) as the Judge thinks sufficient for the subsistence and cost of conveyance of the judgment-debtor for his journey

from the Court-house to the civil prison and from the civil prison, on his release, to his usual place of residence together with the first of the payments in advance under sub-rule (3) for such portion of the current month as remains unexpired, shall be paid to the proper officer of the Court before the judgment-debtor is committed to civil prison, and the subsequent payments (if any) shall be paid to the officer in charge of the civil prison".

(5) "Sums disbursed under the rule by the decree-holder for the subsistence and cost of conveyance (if any) of the judgment-debtor shall be deemed to be costs in the suit".

(k) in rule 40, after sub-rule (5), the following sub-rules shall be inserted, namely:—

"(6) During the temporary absence of the judge who issued the warrant under rule 37 or 38 the warrant of committal may be signed by another Judge of the same court or by any judicial officer superior in rank who has jurisdiction over the same locality or where the arrest is made on a warrant issued by the District Judge the warrant of committal may be signed by any subordinate Judge or District Munsiff empowered in writing by the District Judge in this behalf, and the Judge signing the warrant of committal to the above cases shall also have the same powers as the Judge who issued the warrant in respect of passing such orders as may be appropriate under sub-rules (1), (3) and (5) of this rule.

(7) No judgment-debtor shall be committed to the civil prison or brought before the Court from the custody to which he has been committed pending the consideration of any of the matters mentioned in sub-rule (1) unless and until the decree-holder pays into court such sum as the Judge may think sufficient to meet the travelling and subsistence expenses of the judgment-debtor and the escort.

Sub-rule (5) of rule 39 shall apply to such payments"

(l) rule 43 shall be renumbered as sub-rule (1) thereof and—

(i) to sub-rule (1) as so renumbered the following shall be added as 2nd proviso, namely:—

"Provided also that, when the property attached consists of live-stock, agricultural implements or other articles which cannot conveniently be removed and the attaching officer does not act under the first proviso to this rule, he may at the instance of the judgment-debtor or of the decree-holder or of any person claiming to be interested in such property leave it in the village or place where it has been attached.

(a) in the charge of the person at whose instance the property is retained in such village or place, if such person enters into a bond in Form No. 15-A of Appendix E to this Schedule with one or more sufficient sureties for its production when called for; or (b) in the charge of an officer of the Court, if a suitable place for its safe custody be provided and the remuneration of the officer for a period of 15 days at such rate as may from time to time be fixed by the High Court be paid in advance".

(ii) after sub-rule (1) as so renumbered, the following sub-rules shall be inserted, namely:—

"(2) Whenever an attachment made under the provisions of this rule ceases for any of the reasons specified in rule 55 or rule 57 or rule 60 of this Order, the Court may order the restitution of the attached property to the person in whose possession it was before attachment.

(3) **When attached property is kept in the village or place where it is attached.**—Whenever attached property is kept in the village or place where it is attached, the attaching officer shall forthwith report the fact to the Court and shall with his report forward a list of the properties seized.

(4) **Procedure when attached property is neither sold nor kept in the village or place where it is attached.**—If attached property is not sold under the first proviso to rule 43 or retained in the village or place where it is attached under the second proviso to that rule, it shall be brought to the court-house and delivered to the proper officer of the Court.

(5) **Where attached property kept in the village, etc., is livestock.**—Whenever attached property kept in the village or place where it is attached is live-stock, the person at whose instance it is so retained shall provide for the maintenance, and, if he fails to do so and if it is in charge of an officer of the court, it shall be removed to the Court-house.

Nothing in this rule shall prevent the judgment-debtor or any person claiming to be interested in such live-stock from making such arrangements for feeding the same as may not be inconsistent with its safe custody.

(6) **Direction for sums expended by attaching officer.**—The Court may direct that any sums which have been expended by the attaching officer or are payable to him, if not duly deposited or paid, be recovered from the proceeds of property if sold or be paid by the person declared entitled to delivery before he receives the same. The Court may also order that any sums deposited or paid under these rules be rcovered as costs of the attachment from any party to the proceeding".

(m) in rule 45 in sub-rule (1) at the end the words "and the applicant shall deposit in Court within a date to be fixed by Court, such sum as the Court may deem sufficient to defray the cost of watching and tending the crop till such time" shall be added.

(n) after rule 46, the following rules shall be inserted, namely:—

"46A. **Procedure when debt or any movable property not in the possession of the judgment-debtor.**—The Court may in the case of any debt due to the judgment-debtor (other than debt secured by a mortgage or a charge or by negotiable instrument) or any movable property in which he has an interest, but not in his possession which has been attached under Rule 46 of this order, upon the application of the attaching creditor issue notice to any person liable to pay such debt or deliver on account for such movable property (such person to be hereinafter called the Garnishee) calling upon him either to pay or deliver into Court the debt due from or the property deliverable by him to such judgment-debtor or so much thereof as may be sufficient to satisfy the decree and costs of execution or to appear and show cause why he should not do so such application shall be supported by an affidavit verifying the fact alleging and stating that in the belief of the deponent the Garnishee is indebted to the judgment-debtor.

Provided that if the debt or property in respect of which the application aforesaid is made is of value beyond the pecuniary jurisdiction of the Court the execution case shall be sent to the District Court to which the said court is subordinate and thereupon the District Court shall deal with it in the same manner as if the case had been originally instituted in that Court.

46B. Procedure when Garnishee does not forthwith pay the amount.—Where the Garnishee does not forthwith or within such time as the Court may allow to pay or deliver into Court the amount due from him or the property deliverable by him to the judgment-debtor or so much thereof as is sufficient to satisfy the decree and the costs of execution, or does not appear and show cause in answer to the notice the Court may order the Garnishee to comply with the terms of such notice and on such order being made execution may issue as though such order were a decree against him.

46C. Procedure where Garnishee disputes his liability.—Where the Garnishee disputes his liability the Court may order that any issue or question necessary for the determination of the liability shall be tried as if it were an issue in a suit and upon determination of such issue shall make such order as may seem just:

Provided that where the Garnishee admits his liability but disputes its extent and the decree-holder does not seek to recover from the Garnishee any sum in excess of what he admits is due from him the Court shall not be bound to decide the dispute and may direct the Garnishee to pay such sum or so much thereof as is sufficient to satisfy the decree and the costs of the execution proceedings.

46D. Procedure when debt or property belongs to a third person.—Where in any proceeding under these rules it is alleged or appears to the Court to be probable that the debt or property attached or sought to be attached belongs to some third person or that any third person has a lien or charge upon or interest in it the Court may order such third person to appear and state the nature and particulars of his claim, if any, to such debt or property and prove the same.

46E. Order to be made on hearing such person.—After hearing such third person and any other person who may subsequently be ordered to appear or in the case of such third or other person not appearing when ordered the Court may pass such orders as is hereinbefore provided, or make such other order as it thinks fit upon such terms in all cases with respect to the lien, charge or interest, if any, of such third or other person as may seem fit and proper.

46F. Payment or delivery under order to be a valid discharge.—Payment or delivery made by the Garnishee on a notice under rule 46A or under any such order as aforesaid shall be a valid discharge to him as against the judgment-debtor, and any other person ordered to appear as aforesaid, for the amount paid, delivered or realised although such order or the judgment may be set aside or reversed.

46G. Procedure debt owing from a firm.—Debts owing from a firm carrying on business within the jurisdiction of the Court may be proceeded against under Rule 46A to 46E of this order although one or more numbers of such firm may be resident outside the jurisdiction:

Provided that any person having the control or management of the partnership business or any member of the firm within the jurisdiction is served with the Garnishee notice. An appearance by any member pursuant to such notice shall be sufficient appearance by the firm.

46H. The cost to be in the discretion of the Court.—The cost of any application made under rule 46A and of any proceeding arising therefrom or incidental thereto or any order made thereon shall be in the discretion of the Court.

46 I. Order appealable.—An order made under rules 46B, 46C, or 46E shall have the same force as a decree and shall be appealable as such"

(o) in rule 53—

(i) in sub-rule (1) in clause (b) (ii) after the words "or his judgment debtor" the words "if he has obtained the consent in writing of the decree-holder or the permission of the attaching Court" shall be inserted.

(ii) after clause (b) the following clause shall be inserted, namely:—

"(c) If the decree sought to be attached has been sent for execution to another Court, the Court which passed the decree shall send a copy of the said notice to the former Court, and thereupon the provisions of clause (b) shall apply in the same manner as if the former Court had passed the decree and the said notice had been sent to it by the Court which issued it".

(p) In rule 54—

(i) in sub-rule (2), at the end the words "and also in the Pakuthy Cutcherry or Village Office or in the case there is no such office in the Taluk Office of the place in which the land is situate and where the property is situated within the limits of the Municipality or Panchayat in the office of the Municipality or Panchayat within the limits of which the property is situate" shall be added.

(ii) after sub-rule (2) the following sub-rule shall be inserted, namely:—

"(3) The attachment shall be deemed to have taken as against transfers without consideration from the judgment-debtor from the date of the order of attachment and as against all other persons from the date on which they respectively had knowledge of the order of attachment or the date on which the order was duly proclaimed under sub-rule (2) whichever is the earlier".

(q) in rule 66, in sub-rule (2) after clause (d) the following clause shall be inserted and the existing clause(e) shall be renumbered as(f).

"(e) the value of the property as stated (i) by the decree-holder and (ii) by the judgment-debtor;"

(r) in rule 67—

(i) in sub-rule 3, after the words, "shall not be necessary" the words "to publish the proclamation of sale separately for each lot" shall be inserted.

(ii) after sub-rule (3) the following sub-rule shall be inserted, namely:—

"(4) Unless the Court so directs it shall not be necessary to send a copy of the proclamation to the judgment-debtor".

(s) in rule 69, in sub-rule (2) for the words "seven days" the words "thirty days" shall be substituted.

(t) in rule 75, in sub-rule (2) after the words "does not admit of being stored" the words "or can be sold to greater advantage in unripe state, it may be sold before it is cut and gathered or in such unripe state" shall be inserted.

(u) in rule 82 for the words "of small causes" the words "exercising small causes jurisdiction" shall be substituted.

(v) In rule 89—

(1) for sub-rule (1) the following sub-rule shall be substituted namely:—

"(1) where immovable property has been sold in execution of a decree, the judgment-debtor, or any person deriving title from the judgment-debtor or any person holding an interest in the property may apply to have the sale set aside on his depositing in Court,

(a) for payment to the purchaser, a sum equal to 5 per cent of the purchase money, and

(b) for payment to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may, since the date of the proclamation of sale, have been received by. the decree-holder:

Provided that when several items of properties are sold separately the sale of one or more of such items may be set aside on depositing in Court the amount of the purchase money for the items the sale of which it sought to be set aside and a sum equal to five per cent of that amount and the balance if any of the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered still remaining unrealised:

Provided further that were the immovable property sold is liable to discharge a portion of the decree-debt the payment under clause (b) of this sub-rule need not exceed such amount as under the decree the owner of the property sold is liable to pay".

(w) in rule 98—

(i) in lines four and eight after the words "at his instigation" the words "or on his behalf" shall be inserted.

(ii) at the end the following words shall be added, namely:—

"and may order the person or persons whom it holds responsible for such resistance or obstruction to pay jointly or severally in addition to costs reasonable compensation to the decree-holder or the purchaser as the case may be for the delay and expense caused in obtaining possession".

(x) for rule 99 the following rule shall be substituted, namely:—

"99. **Resistance or obstruction by bona fide claimant.**—Where the Court is satisfied that the resistance or obstruction was occasioned by any person other than those mentioned in rule 98 claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor the court shall make an order dismissing the application".

(y) in rule 101 at the end, the words "and may order the decree-holder or auction purchaser as the case may be to pay in addition to costs reasonable compensation to the applicant for dispossession," shall be added.

(z) in rule 103 after the words "possession of property" the words "or to cancel the order, if any, for compensation" shall be inserted.

(aa) after rule 103, the following rules shall be inserted, namely:—

"104. **Procedure regarding applications under this order.**— (1) The Court before which an application under any of the foregoing rules of this order is pending may fix a day for the hearing of the application.

(2) Where on the day fixed or on any other day to which the hearing may be adjourned the applicant does not appear when the case is called on for hearing, the Court may make an order that the application be dismissed.

(3) Where the applicant appears and the respondent to whom the notice has been issued by the Court does not appear, the Court may hear the application exparte and pass such order as it thinks fit.

Explanation:— An application referred to in sub-rule (1) includes a claim or objection made under rule 58 of this order. 105. (1) The applicant against whom an order is made under sub-rule (2) of the foregoing rule or a respondent against whom an order is passed exparte under sub-rule (3) of the foregoing rule or under sub-rule (1) of Rule 23 of this order, may apply to the Court to set aside the order and if he satisfies the Court that there was sufficient cause for his non-appearance when the application was called on for hearing, the court shall set aside the order on such terms as to costs or otherwise as it thinks fit, and shall appoint a day for the further hearing of the application.

(2) No order shall be made on an application under sub-rule (1) unless notice of the application has been served on the opposite party.

(3) An application under sub-rule (f) shall be made within thirty days of the date of the order or, where in the case of an exparte order the notice was not duly served, the date when the applicant had knowledge of the order.

(4) The provisions of S.5 of Indian Limitation Act, 1909, shall apply to applications under sub-rule' (1).

(16) in Order XXII—

(a) to rule 5 the following proviso shall be added, namely:—

"Provided that an Appellate, Court before determining it may direct any lower court to take evidence thereon and to return the evidence so taken together with its finding and reasons and may take such finding and reasons into consideration in determining the question."

(b) after rule 11, the following rule shall be added, namely:—

"11-A. **Entry on the record of the name of the representative of a deceased appellant or respondent in a matter pending before the High Court.**—The entry on the record of the name of the representative of a deceased appellant or respondent in a matter pending before the High Court in its appellate jurisdiction, except in cases under appeal to the Supreme Court, may be performed by the Registrar, provided that contested applications and applications presented out of time shall be posted before a Judge for disposal."

(17) in Order XXIII, after rule 3 the following rule shall be added, namely:—

"3. **Settlement by oath.**—(A) if the parties agree to have the suit or any part of it decided by an oath taken by one of them in Court or elsewhere and tender a written agreement signed by both of them setting forth the terms of the oath and the place where it is taken, the Court may accept such agreement. After the oath has been taken in the manner proposed, the Court shall decide the case in terms of the agreement. After the agreement has been accepted by the Court, it shall not be competent to any of the parties to withdraw therefrom without the leave of the Court. If any party withdraws or refuses to take the oath without lawful excuse, the Court may decide the case against him or pass such other order as it deems proper."

(18) In Order XXVI—

(a) rule 15 shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely:—

"(2) Before executing and returning any commissions issued by foreign Courts under the provisions of section 78, the Court or the Commissioner required to execute the commission may levy such fees as the High Court may from time to time prescribe in this behalf in addition to the fees prescribed for the issue of summons to witnesses and for expenses of such witnesses under rule 2 of Order XVI."

(b) in rule 17 to sub-rule (1) the following proviso shall be added, namely:—

"Provided that when the Commissioner is not a Judge of a Civil Court he shall not be competent to impose penalties; but such penalties may be imposed on the application of such Commissioner by the Court which issued the Commission."

(c) in rule 21, for the words "or where the witness resides within the local limits of the ordinary original Civil jurisdiction of the High Court to any person whom the court thinks fit to execute the commission" the words "or to any person whom the court thinks fit to execute the commission" shall be substituted.

(d) after rule 22 the following rule shall be inserted, namely:—

"23. The provisions of this order and of Order XXVI-A shall apply, so far as may be, to proceedings in execution of a decree or order."

(19) after Order XXVI, the following order shall be inserted, namely:—

ORDER XXVI A. COMMISSIONS

"1. **Court may issue commission to translate account or other document.**—The Court may in any suit issue a commission to such persons as it thinks fit to translate accounts and documents which are not in the language of the Court.

2. **Report of the Commissioner is evidence in the suit.**—The report of the Commissioner shall be evidence in the suit and shall form part of the record.

3. **Court may order deposit of the expense of the commission.**—Before issuing any commission under this Order the Court may order such sum (if any) as it thinks reasonable for the expense of the commission to be, within a time to be fixed, paid into Court by the party at whose instance or for whose benefit the commission is issued."

(20) in Order XXIX, after rule (1) the following rule shall be inserted, namely:—

"1.A. **Time to be fixed in the summons for appearance in suits against a local authority.**—In suits against a Local Authority the Court in fixing the day for the defendant to appear and answer shall allow not less than two months' time between the date of summons and the date for appearance."

(21) In Order XXXII—

(a) after rule (2) the following rule shall be inserted, namely:—

"2.A. Where at any stage of the suit it appears to the Court that the suit on behalf of the minor by his next friend has been instituted improperly or unreasonably, the Court may either of its own motion or on the application of any defendant, order the next friend to give security for the payment of all costs incurred and likely to be incurred by any defendant. Where such a suit is instituted in forma pauperis, the security shall include the court-fees payable to the Government.

The provisions of Order XXV, rule 2 shall apply to a suit, where the court makes an order directing security to be furnished."

(b) in rule (3)—

(i) In sub-rule (2) at the end the following sentence shall be added, namely:—

"The application, where it is by the plaintiff, shall set forth in the order of their suitability, a list of persons (with their full addresses as for service of notice in Form No. 11-A set forth, in Appendix H hereto) who are competent and qualified to act as guardian for the suit for the minor defendant. The Court may for reasons to be recorded, in any particular case, exempt the applicant from furnishing the list referred to above."

(ii) in sub-rule (3) at the end the following sentence shall be added, namely:—

"The affidavit shall further state the name of the person or persons on whom notice has to be served under the provisions of sub-rule (4)."

(iii) to sub-rule (4) the following proviso shall be added, namely:—

"Provided that if the minor is under 15 years of age no such notice shall be issued to him."

(c) in rule 4—

(i) in sub-rule (3) at the end the following sentence shall be added namely:—

"Whenever an application is made proposing the name of a person as a guardian for the suit, a notice in Form No. 11-A set forth in Appendix II hereto shall be served on the proposed guardian, unless the applicant himself be the proposed guardian or the proposed guardian consents."

(ii) to sub-rule (4) the following explanation shall be added, namely:—

"Explanation:—An Officer of the court shall for the purpose of this sub-rule include a pleader of the court."

(iii) after sub-rule (4) the following sub-rule shall be inserted, namely:—

"(5) When a guardian for the suit of a minor defendant is appointed and it is made to appear to the court that the guardian is not in possession of any or sufficient funds for the conduct of the suit on behalf of the defendant, and that the defendant will be prejudiced in his defence thereby, the court may, from time to time, order the plaintiff to advance moneys to the guardian for the purpose of his defence and all moneys so advanced shall form part of the costs of the plaintiff in the suit. The order shall direct that the guardian, as and when directed, shall file in Court an account of the moneys so received by him."

(d) in rule 6 to sub-rule (2) the following proviso shall be added, namely:—

"Provided that, where the next friend or guardian for the minor happens to be the parent or karanavan of such minor, the court may, for any special reason to be recorded, dispense with the security, when such next friend or guardian is after decree allowed to receive any sum of money or any property on behalf of the minor."

(e) in rule 7 after sub-rule (1) the following sub-rule shall be inserted, namely:—

"(1-A) Where an application is made to the Court for leave to enter into an agreement or compromise or for withdrawal of a suit in pursuance of a compromise or for taking any other action on behalf of a minor or other person under disability and such minor or other person under disability is represented by counsel or pleader, the counsel or pleader shall file in court with the application a certificate to the effect that the agreement or compromise or action proposed is, in his opinion, for the benefit of the minor or other person under disability. A decree or order for the compromise of a suit, appeal or matter to which a minor or other person under disability is a party shall recite the sanction of the court thereto and shall set out the terms of the compromise as in Form No. 24 in Appendix D to this Schedule."

(f) after rule 14 the following rule shall be inserted, namely:—

"14-A. **Appointment or discharge of a next friend or guardian for the suit of a minor, to be performed by the Registrar.**—The appointment or discharge of a next friend or guardian for the suit of a minor in a matter pending before the High Court in its appellate jurisdiction, except in cases under appeal to the Supreme Court, and may be performed by the Registrar provided that contested applications and applications presented out of time shall be posted before a Judge for disposal."

(22) in Order XXXIII—

(a) in rule 1—

(i) in explanation the words "or where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing —apparel and the subject matter of the suit" shall be omitted.

(ii) the following shall be added as explanation (ii) to the rule, namely:—

"**Explanation (ii)**—Where the plaintiff sues in a representative capacity the question of pauperism shall be determined with reference to the means possessed by him in such capacity."

(b) to rule 3 the following explanation shall be added, namely:—

"**Explanation.**—Where there are more applicants than one, presentation by one shall be deemed to be sufficient compliance with the provisions of the rule."

(c) in rule 5, after clause (d) the following clause shall be inserted, namely:—

"(d.1) Where the suit appears to be barred by any law or"

(d) in rule 6—

(i) after the word "it shall" the word "nevertheless" shall be inserted.

(ii) for the words "in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof" the words "to prove that the application is not subject to any of the prohibitions in rule 5, and for hearing any evidence which may be adduced to the contrary," shall be substituted.

(e) in rule 7, in sub-rule 3 at the end the words "or direct that the application be filed as a plaint on the applicant paying the requisite court-fee within thirty days or such reasonable time as the Court may fix" shall be added.

(f) for rule 11 the following rule shall be substituted, namely:—

"11. Where the plaintiff fails in the suit or is dispaupered or where the suit is withdrawn or where part of the claim is abandoned or where the suit is dismissed—

(a) because the summons for the defendant to appear and answer has not been served upon him in consequence of the failure of the plaintiff to pay the court-fee or postal charges (if any) for such service, or

(b) because the plaintiff does not appear when the suit is called on for hearing,

the court shall order the plaintiff, or any person added as a co-plaintiff to the suit, to pay the court-fees and in the case of abandonment of part of the claim the proportionate court-fee, which would have been payable by the plaintiff if he had not been permitted to sue as a pauper.

In cases where the plaintiff is dispaupered the Court may, instead of proceeding under the previous paragraph, order the plaintiff to pay the requisite court fee within a time to be fixed by it and in default dismiss the suit and make an order for the payment of court-fee as in the previous paragraph.

Where the Court finds that the suit has been instituted unreasonably or improperly by a next firiend on behalf of a minor plaintiff on a cause of action which accrued during the minority of such plaintiff, the Court may order the next friend to personally pay the courtfee."

(g) rule 12 shall be renumbered as sub-rule (1) thereof and after sub-rule (1), as so renumbered the following sub-rule shall be inserted, namely:—

"(2) No order for payment out of money standing to the credit of any suit instituted in forma pauperis shall be made on the application of any party except after notice duly to the Government Pleader on behalf of the Government."

(23) in Order XXXIV—

(a) in rule 5 in sub-rule (3) after the words "by the plaintiff in this behalf" the words "and after notice to all the parties" shall be inserted.

(b) in rule 14 sub-rule (2) shall be omitted.

(24) Order XXXVII Summary Procedure on Negotiable Instruments shall be omitted.

(25) in Order XXXVIII—

(a) rule (4) shall be renumbered as sub-rule (1) thereof and after sub-rule as so renumbered the following sub-rule shall be inserted, namely:—

(a) rule 1 shall be renumbered as sub-rule (1) thereof and ble for the subsistence of judgment-debtors shall apply to all defendants arrested under this order".

(b) in rule 13 for the words "Court of Small Causes" the words "Court exercising Small Cause Jurisdiction" shall be substituted.

(26) in Order XXXIX—

(a) rule 1 shall be renumbered as sub-rule (1) thereof and

(i) in sub-rule (1) as so renumbered in clause (a) after the words "or wrongfully sold" the words "or delivered" shall be inserted.

(ii) after sub-rule as so renumbered the following sub-rule shall be inserted, namely:—

"(2) In case of disobedience of any order passed under sub-rule (1) the Court granting the injunction may proceed against the person

guilty of such disobedience under sub-rule (3) and (4) of rule 2 of this order."

(27) in Order XL—

(a) In rule 3 for clause (a) the following clause shall be substituted, namely:—

"(a) unless the Court otherwise orders, furnish security in inmovale property for such amount as the Court thinks fit duly to account for what he shall receive in respect of the property of which he is appointed a receiver."

(b) for rule 4 the following rule shall be substituted, namely:—

"4. **Enforcement of receiver's duties.—(1)** If a receiver fails to submit his accounts at such periods and in such form as the Court directs, the Court may order his property to be attached until he duly submits his accounts in the form ordered.

(2) The Court may at the instance of any party to any suit or proceeding in which a receiver has been appointed or of its own motion, at any time make an enquiry as to what amount, if any, is due from the receiver as shown by his accounts or otherwise, or whether any loss to the property has been occasioned by his wilful default or gross negligence, and may order the amount found due or the amount of the loss so occasioned to be paid by the receiver into Court or otherwise within a period to be fixed by the Court. All parties to the suit or proceeding and the receiver shall be made parties to any such enquiry. Notice of the enquiry shall be given by registered post to the surety, if any, for the receiver, but the cost of his appearance shall be borne by the surety himself unless the Court otherwise directs:

Provided that the Court may, where the account is disputed by the parties and is of a complicated nature or where it is alleged that loss has been occasioned to the property by the wilful default or gross negligence of the receiver, refer the parties to a suit. In all such cases the Court shall state in writing its reasons for the reference.

(3) If the receiver fails, to pay any amount which he has been ordered to pay under sub-rule (2) of this rule, within the period fixed in the order, the Court may direct such amount to be recovered either from the security (if any) furnished by him under rule 3, or by attachment and sale of his property, or if his property has been attached under sub-rule (1) of this rule, by sale of the property so attached, and may apply the proceeds of the sale to make good any amount found due from him or any loss occasioned by him and shall pay the balance (if any) of the sale proceeds to the receiver."

(28) in Order XLI—

(a) In rule 1—

(i) in sub rule (1)—

(ia) **Copy of judgment to be printed for appeal.**—the following shall be added as para (2), namely:—

"The copy of the judgment shall be a printed copy in every case in which the High Court has prescribed that the judgment shall be printed when a copy if applied for the purpose of appeal".

(ib) **Power to admit appeal subject to production of copy of decree or order under special or Local Act.**—the following proviso shall be added, namely:—

"Provided that, in appeals from decrees or orders under any special or local Act to which the provisions of Parts II and III of the Limitation Act, (IX of 1908), do not apply and in which certified copies

of such decrees or orders have not been granted within the time prescribed for preferring an appeal, the Appellate Court may admit the memorandum of appeal subject to the production of the copy of the decree or order appealed from within such time as may be fixed by the Court".

(ii) in sub rule (2) at the end of the following sentence shall be added, namely:—

"The memorandum shall also contain a statement of the valuation of the appeal for the purposes of the Court Fees Act."

(iii) after sub rule (2) the following sub rule shall be inserted, namely:—

"(3) **Procedure on application for admission of appeal.**—Where an appeal is presented after the period of limitation prescribed therefor, it shall be accompanied by a petition supported by affidavit setting forth the facts on which the appellant relies to satisfy the court that he had sufficient cause for not preferring the appeal within such period and the court shall not proceed the deal with the appeal in any way otherwise than by dismissing it either under rule 11 of this order or on the ground that it is not satisfied as to the sufficiency of the reason for extending the period of limitation until notice has been given to the respondent and his objections, if any, to the court acting under the provisions of Section 5 of Act IX of 1908 have been heard."

(b) in rule 5-(i), in sub-rule (1) at the end the words "and may when the appeal is against a preliminary decree, stay the making of a final decree in pursuance of the preliminary decree or the execution of such final decree if already made" shall be added.

(ii) in sub-rule to clause (c) the following proviso shall be added, namely:—

"Provided that in the case of decrees charging immovable properties the Appellate Court may in its descretion dispense with such security in whole or in part".

(c) rule 19 shall be renumbered as sub-rule (1) thereof and after sub-rule as so renumbered the following sub-rule shall be inserted, namely:—

"(2) The provisions of section 5 of the Indian Limitation Act, 1908 shall apply to applications under sub-rule (1)".

(d) rule 21 shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely:—

"(2) The provisions of section 5 of the Indian Limitation Act 1908 shall apply to applications under sub-rule (1)".

(e) in rule 23 after the words "reversed in appeal" the words "or where the Appellate court in reversing or setting aside the decree under appeal considers it necessary in the interests of justice to remand the case" shall be inserted.

(f) in rule 27 in sub-rule (1) after clause (a) the following clause shall be inserted and the existing clause (b) shall be renumbered as clause (c)

"(b) the party seeing to adduce additional evidence satisfies the Appellate Court that such evidence notwithstanding the exercise of due diligence, was not within his knowledge or could not be produced by him at or before the time when the decree under appeal was passed, or".

(g) rule 31 shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered the following sub-rules shall be inserted, namely:—

"(2) In cases where a judgment is not written by the Judge in his own hand, but dictated and taken down by another verbatim, each page of the judgment shall be initialled by him.

(3) Where the judgment is pronounced by dictation to a shorthand writer in open court, the transcript of the judgment so pronounced shall, after such revision as may be deemed necessary, be signed by the Judge."

(h) in rule 35-(i), in sub-rule (2) after the words "or other adjudication made" the words "in the appeal as also in the decree appealed from" shall be inserted.

(ii) in sub-rule (4) the following proviso shall be added, namely:—

"Provided that the provisions of the sub-rule shall not apply to decrees passed by the High Court."

(30) after Order XLI the following order shall be added, namely:—

"Order XLI A. Appeals to the High Court from Original Decrees of Subordinate Courts"

"1. **Modification in First Appeals to High Court.**—The rules contained in Order XLI shall apply to appeals in the High Court of Kerala with the modifications contained in this order.

2. (1) **Notice fee, etc., to accompany appeal memo.**—The memorandum of appeal shall be accompanied by twelve printed copies of the judgment, one of such copies being a certified copy, the prescribed fees for service of notice of appeal and the receipt of the accountant of the court for the sum prescribed by the rules of Court.

(2) **Time for respondent's appearance.**—Notwithstanding anything contained in rule 22 of Order XLI the period prescribed for entry of appearance by the respondent and filing by him of memorandum of Cross-objection, if any, shall, unless otherwise ordered, be thirty days from the service of notice upon him.

3. (1) **Appearance to be filed by respondent.**—If the respondent intends to appear and defend the appeal he shall within the period specified in the notice of appeal enter an appearance by filing in Court a memorandum of appearance.

(2) **Penalty for default.**—If a respondent fails to enter an appearance within the time and in the manner provided by the sub-rule above, he shall not be allowed to translate or print any part of the record.

Petition for enlargement of time and procedure thereon.—Provided that a respondent may apply by petition for further time; and the Court may thereupon make such order as it thinks fit. The application shall be supported by evidence to be given on affidavit as to the reason for the applicant's default, and notice thereof shall be given to the appellant and all parties who have entered an appearance. Unless otherwise ordered the applicant shall pay the costs of all parties appearing upon the application.

4. (1) **Address for service.**—The memorandum of appeal, and the memorandum of appearance shall state an address for service within the town of Ernakulam which service of any notice, order or process may be made on the party filing such memorandum.

(2) **When party appears in person.**—If a party appears in person, the address for service may be within the local limits of the jurisdiction of the court from whose decree the appeal is preferred.

When by pleader.—Provided that if such party subsequently appears by a pleader he shall state in the vakalat an address for service within the town of Ernakulam and shall give notice thereof to each party who has appeared.

(3) **Service at Pleader's address.**—If a party appears by a pleader, his address for service shall be that of his pleader, and all notices to the party shall be served on his pleader at that address.

5. **Service by registered post.**—The Court may direct that service of a notice of appeal or other notice or process shall be made by sending the same in a registered cover prepaid for acknowledgment and addressed to the address for service of the party to be served which has been filed by him in the lower court: Provided that, after a party has given notice of an address for service in accordance with Rule 4, service of any notice or process shall be made at such address.

6. **Notices to respondents appearing separately.**—If there are several respondents, and all do not appear by the same pleader, they shall give notice of appearance to such of the other respondents as appear separately.

7. **Procedure where record not translated and printed before hearing.**—(1) If, upon a case being called on for hearing by the court, it appears that the record has not been translated or printed in accordance with the rules of court, the court may dismiss the appeal or may adjourn the hearing and direct the party in default to pay costs, or may make such order as it thinks fit.

(2) If the Court proceeds to hear the appeal, it may refuse to read or refer to any part of the record which is not included in the printed papers.

8. **Costs of application and of adjournment.**—When costs are awarded, unless the Court otherwise orders, the costs of a party appearing upon any application before the Registrar or the Court shall be Rs. 15, and the costs of appearing when the appeal is in the daily cause list for final hearing and is adjourned shall be Rs. 30. At the request of any party the Registrar shall cause the order to be drawn up and the said costs to be inserged therein.

Memorandum of Objections

9. (1) **Copies of memo of objections when to be filed.**—If the acknowledgment mentioned in rule 22(3) of Order XLI is not filed, the respondent shall together with the memorandum of objections file so many copies thereof as there are parties affected thereby.

(2) **Prescribed fees for service.**—The prescribed fees for service shall be presented together with the memorandum to the Registrar."

(31) In order XLII after rule 1 the following rule shall be inserted, namely:—

"2. (1) **Memo to be typed or printed. What to accompany memorandum.**—The memorandum of appeal shall be printed or typewritten and shall be accompanied by a certified copy of the decree and judgment of the appellate court and (unless the court dispenses therewith) a certified copy of the decree and judgment of the Court of first instance.

(2) **Copies of documents construed.**—If any ground of appeal is based upon the construction of a document a true copy of such document shall be presented with the memorandum of appeal."

(32) after order XLII, the following order shall be inserted, namely:—
"ORDER XLII A.

Rule 1 Procedure.—Appeals from decrees and orders of Single Judge to Division Bench of the High Court.

1. **Procedure.**—The Rules of Order XLI and XLI A shall apply so far as may be to appeals from decrees and orders of a Single Judge to a Division Bench".

(33) in Order XLIII—

(a) in rule 1—

(i) after clause (j) the following clause shall be inserted, namely:—

"(jj) an order rejecting an application made under sub-rule (1) of rule 105 of Order XXI, provided an order on the main application referred to in sub-rule (1) of rule 104 of that order is appealable."

(ii) after clause (n) the following clause shall be inserted, namely:—

"(nn) an order under rule 5 or rule 7 of Order XXXIII rejecting an application for permission to sue as a pauper on the ground specified in clause (d) or clause (d-1) of rule 5 aforesaid;"

(iii) In clause (8) after the words "rule 4 of Order XL" the words "except an order under the proviso to sub-rule (2) of rule 4" shall be inserted,

(b) after rule 1 the following rule shall be inserted namely:—

"2. **Rules in O 41 and O 41-A to apply.**—The rules of Order XLI and of Order XLI-A shall apply so far as may be, to appeals from the orders specified in rule 1 and other orders of any Civil Court from which an appeal to the High Court is allowed under any provision of law;

When records to be sent up by lower court.—Provided that in the case of appeals against interlocutory orders made prior to decree, the Court which passed the order appealed from shall not send the records of the case unless an order has been made for stay of further proceedings in that Court."

(34) in Order XLIV in rule 2 in proviso after the words "if the Appellate Court" the words "after notice to the Government Pleader" shall be inserted.

(35) in Order XLV—

(a) in rule 3—

(i) for sub-rule (2) the following sub-rule shall be substituted, namely:—

"Upon receipt of such petition, the court, after fixing a day for hearing the applicant or his pleader and hearing him, if he appears, may dismiss the petition."

(ii) after sub-rule (2) the following sub-rule shall be inserted, namely:—

"(3) Unless the Court dismisses such petition under sub-rule (2), it shall direct notice to be served on the opposite party to show cause why the said certificate should not be granted."

(b) in rule 7 for sub-rule (2) the following sub-rule shall be substituted namely:—

"(2) No such security as is mentioned in Rule 7(1), clause (a) shall be required from the Government or, where State Government has undertaken the defence of the suit, from any public officer and in respect of an act purporting to be done by him in his official capacity."

(c) in rule 9-A in the proviso for the figure (2) after the word "sub-rule" the figure "(3)" shall be substituted.

(d) after rule 16 the following rule shall be inserted namely:—

"16-A. Appeals to Federal Court.—The provisions of sub-rules (1) and (2) of rule 15 and the provisions of rule 16 shall apply, mutatis mutandis, to the execution of decrees or orders for costs passed by the Federal Court in appeals from the High Court."

(36) in Order XLVI in rule 6, in sub-rule (1) for the words "Court of Small Causes" the words "Court exercising Small Cause Jurisdiction" shall be substituted.

(37) In Order XLVII in rule 1 in sub-rule 1 in clause (c) for the words "of Small Causes" the words "exercising Small Cause Jurisdiction" shall be substituted.

(38) in Appendix B—

(a) after Form No. 1 the following form shall be inserted, namely:—

"No. 1 A. Summons for ascertaining whether a suit is contested or not and if not contested for its immediate disposal.

(O. V. rr. 1,5)

(Title)

To

(Name, description and place of residence)

Whereas .. .. has instituted a suit against you for

You are hereby summoned to appear in this court in person or by a Pleader duly instructed, and able to answer all material questions relating to the suit (or who shall be accompanied by some person able to answer all such questions on the .. ..day of 195 , at .. .. ..o'clock in the noon and to state whether you contest or do not contest the claim and, if you contest, to receive directions of court as to the date on which you have to file the written statement, the date of trial and other matters.

Take notice that in the event of the claim not being contested the suit shall be decided at once.

Take further notice that in default of your appearance on the day and hour before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the court this .. .. day of .. ..195 .. .. Judge.

NOTICE: If you admit the claim you should pay the money into court together with the costs of the suit to avoid execution of the decree, which may be against your person or property or both."

(b) in Form 13 in Notice (1) at the end, the following sentence shall be added namely:—

"If the document you are summoned to produce is an entry in a letter book or a shop book or other account in the current use and you are desirous of receiving back the document you may furnish along with the document a copy of the entry."

(c) After form 13, the following form shall be inserted, namely:—

No. 13-A. Certificate of attendance to an officer of Government as a witness in a suit to which the Government is a party.

(O. 16, r. 4-A)

(Cause title)

This is to certify that .. .. (name) .. .. designation being a Government servant from the State of .. .. (name) .. .. was summoned to give evidence in his

official capacity on behalf of the plaintiff|defendant in the above suit| matter and was in attendance in this court from the .. .. day of .. .. to the .. .. day of .. .. 19.... (inclusive) and that a sum of Rupees .. .. has been paid into court by the plaintiff|defendant towards his travelling and subsistence for .. .. day according to the scale prescribed by the Government of the State of....................(name) and that the said amount has been|will be remitted to the Government Treasury at........to be credited to Government under the head "XVI-(d) Miscellaneous Fees and Fines").

Dated .. .. day of .. .. 19....

Presiding Judge or Chief Ministrial Officer."

(d) in form No. 16 for the word "Bailiff" in the sixth line the word "Amin" shall be substituted.

(e) in Form No. 17 for the word "Bailiff" in the fourth line the word "Amin" shall be substituted.

(39) in Appendix D after form No. 23 the following form shall be inserted, namely:—

"No. 24. Decree sanctioning a compromise of a suit on behalf of a minor or a lunatic.

(Title).

This suit coming on this day for final disposal in the presence of etc. and C. D., the defendant, a minor by E. F. his guardian ad litem, applying that this suit may be compromised in the terms of an agreement in writing dated the day of and made between A.B. the plaintiff of the one part and the said C.D. by the said guardian ad litem on the other part, (or on the terms hereafter set forth) and, it appearing to this court that the said compromise is fit and proper and for the benefit of the said minor this court doth sanction the said compromise on behalf of the said minor, and with the consent of all parties hereto. It is ordered as follows:—

(Set out the terms of the compromise)."

(40) In Appendix E—

(a) in Form 8, (1) for the word "Bailiff" in the seventh line, the word "Amin" shall be substituted.

(2) after the words "to attach" the words "on or before the day of" shall be inserted.

(b) in Form No. 9 for the word "Bailiff" in the seventh line, the word "Amin" shall be substituted.

(c) in Form No. 11 for the word "Bailiff" in the seventh line, the word "Amin" shall be substituted.

(d) in Form No. 13,

(i) for the word "Bailiff" in the fifth line, the word "Amin" shall be substituted namely

(ii) after the words "executing this process" the words "or unless satisfaction of the decree be endorsed by the decree-holder on the warrant in the manner provided in Order XXI, r.25(2)" shall be inserted.

(e) after Form No. 14 the following form shall be inserted, namely:—

No. 14.A.. Order of entrustment of Judgment Debtor to the custody of an officer of court.

(O.21 r.40, sub-rule (2) and the proviso to sub-rule (3) Civil Procedure Code).

In the court of the of

To

The Amin of the Court.

Whereas who has been brought before this court this day of 19 under warrant in execution of a decree which was made and pronounced by the said court on the day of 195 . and by which decree, it was ordered that the said judgment-debtor should pay Rs.

And whereas the judgment debtor has been ordered to be kept in the custody of an officer of the court, pending the inquiry under Order XXI, rule 40, sub-rule (2)

And whereas the said judgement-debtor has to be given an opportunity of satisfying the decree and for this end this court is of opinion that the said judgment debtor may be left in the custody of an officer of the court;

You are hereby commanded and required to take and receive the said judgment debtor into your custody and keep him in that custody for a period of days or until further orders of this court. You are hereby further informed that he is not to be allowed to go anywhere except in your company, you are further required to produce the said judgment-debtor before this court at the expiration of the period specified if the decree be not sooner satisfied.

Given under my hand and the seal of the court, this day of 19 .

(By order)

Nazir"

(f) in Form 15 for the word "dated" the words "Given under my hand and seal of the court, this day of 19 " shall be substituted.

(g) after Form 15 the following Form shall be inserted namely:—

"No. 15-A. Bond for safe custody of movable property attached and left in charge of person interested and sureties. (0.21 r. 43).

In the court of at

Civil Suit No. of

A.B. of

against

C.D. of

Know all men by these presents that we, I. J. of &c. and K.L. of etc. and M.N. of etc. are jointly and severally bound to the Judge of the court of in Rupees to be paid to the said Judge for which payment to be made we bind ourselves and each of us, in the whole our end each of our heirs, executors, and administrators jointly and severally by these presents

Dated this day of 19

And Whereas moveable property specified in schedule hereunto annexed has been attached under a warrant from the said court, dated the day of 19 in execution of a decree in favour of in Suit No. of 19 on the file of and the said property has been in the charge of the said I. J.

Now the condition of this obligation is that if the above bounden I. J. shall duly account for and produce when required before the said

court all and every property aforesaid and shall obey any further order of the court in respect thereof then this obligation shall be void: otherwise it shall remain in full force

I. J.

K. L.

M. N.

Signed and delivered by the above bounden in the presence of "

(h) in Form No. 20 for the word "Bailiff", in the sixth line, the word "Amin" shall be substituted.

(i) in Form No. 27 for the word "Bailiff", in the sixth line the word "Amin" shall be substituted.

(j) in Form No. 29 at the end the following Note shall be inserted, namely:—

"Note: The title deeds relating to the property have not been filed in court and the purchaser will take the property subject to the risk of there being mortgagees by deposit of title deeds or mortgages not disclosed in the incumbrance certificate."

(k) in Form No. 38 at the end the following schedule shall be added namely

"SCHEDULE"

No.	District	Taluk	Pakuthy Village	Muri or Desom	Lekkom	Survey No.	Acre	Cent	Description of the property	East	South	West	North	Right, Tittle & interest of the judgment—debitor in the property	Amount Specified in the proclamation of the sale	Sale amount

(l) in Form No. 39 for the word "Bailiff" in the sixth line the word "Amin" shall be substituted.

41. in Appendix F—

(a) in Form 1 for the word "Bailiff" in the sixth line the word "Amin" shall be substituted.

(b) in Form 5 for the word "Bailiff" in the sixth line the word "Amin" shall be substituted.

(c) in Form No. 7 for the word "Bailiff" in the sixth line the word "Amin" shall be substituted.

(d) after Form No. 7 the following form shall be inserted namely

"No. 7 A. Attachment of immoveable property before Judgment.

(Title).

To

Defendant.

WHEREAS on the application of the plaintiff in this suit the court called upon you, the defendant, to furnish security to fulfil any decree that may be passed against you in the suit or to show cause why you should not furnish such security and you have failed to show cause why you should not furnish security|you have failed to furnish the security required within the time fixed by the Court.

It ordered that you the said be, and you are hereby prohibited and restrained, until the further order of the court, from transferring or charging the properties described in the schedule hereunto annexed, by sale, gift, or otherwise, and that all persons be, and that they are hereby prohibited, and restrained from receiving the same by purchase gift or otherwise.

Given under my hand and the seal of the court, this
day of 19

Schedule

Judge."

(e) for the existing form No. 9 the following form shall be substituted, namely:

No. 9 Appointment of a Receiver.

(O.40.r.1.)
(Title)

"WHEREAS it appears to the court that in the above suit it is just and convenient to appoint a receiver of the properties specified below (or whereas the properties specified below have been attached in execution of a decree passed in the above suit on the day of
19, , in the favour of
.)

It is hereby ordered that A.B. be appointed (subject to his giving security to the satisfaction of the Court) the receiver of the said property and of the rents, issues and profits thereof under Order XL of the Code of Civil Procedure, 1908, with all powers under the provisions of that order, except that he shall not without leave of the Court (1) grant leases for a term exceeding three years or (2) institute suits in any Court (except suit for rent) or (3) institute appeals in any Court (except from a decree in a rent suit) where the value of the appeal is over Rs. 1000 or (4) expand on the repairs of any property in any period of two years more than half of the net annual rental of the property to be repaired, such rental being calculated at the amount at which the property to be repaired would be let when in a fiar state of repair provided that such amount shall not exceed Rs. 1000.

And it is further ordered that the parties|defendants to the above suit and all persons claiming under them do deliver up quiet possession of the properties movable and immoveable specified below together with all leases, agreements for lease, kabuleat, account books, papers memoranda and writings relating thereto to the said receiver. And it is further ordered that the said receiver do take possession of the said property, moveable and immoveable, and collect the rents, issues and profits of the said immovable property and that the tenants and occupiers do

attorn and pay their rents in arrear and growing rents to the said receiver. And it is further ordered that the said receiver shall have power to bring and defend suits in his own name and shall also have power to use the names of the plaintiff's and defendants where necessary; And it is further ordered that the receipt or receipts of the said receiver shall be a sufficient discharge for all such sum or sums of money or property as shall be paid or delivered to him as such receiver.

And it is further ordered that the said receiver do out of the first monies to be received by him pay the debts due from the said and shall be entitled to retain in his hands the sum of Rs. for current expenses but subject thereto shall pay his net receipts, as soon as the same come to his hands, into court to the credit of this suit. He shall once in every month, file his accounts and vouchers in Court the first account to be filed on the day of and to be passed on the day of . He shall be entitled to commission at the rate of Rs. per cent on the net amounts collected by him or to the sum of Rs. per month (or as the case may be) as his remuneration (or he shall act without any remuneration.)

And it is further ordered (where an additional office establishment is required) that the said receiver shall be allowed to charge to the estate in addition to his own office establishment the following further establishment;

(Here enter specification of property)

Given under my hand and the seal of the Court, this day of 19 .

Judge."

(f) after form No. 10 the following form shall be inserted, namely:

No. 11. Bond to be given by Receiver (Order XL. Rule 3) where immovable property is offered as security.

Know all men by these presents, that we and and are jointly and severally bound to the Court of in Rs. to be paid to the said Court, for which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs executors and administrators, jointly and severally by these presents and we do, as security for the said payment, mortgage to the Judge of the said court, his successors in office and assigne the undermentioned immovable properties which belong to us and of which we are possessed and which are free from mortgage charge or any other encumbrance and the title deeds of which have been lodged in the district Court.

Dated this day of 19 .

(Rest of the clauses will be continued as in Form No. 10."

(42) in Appendix G:

(a) in form No. 2 after the words "or varied by the Appellate Court" the words "or in further appeal from the decree of the said Court" shall be inserted.

(b) in Form No. 3 after the words "or varied by the Appellate Court" the words "or in further appeal or appeals from the decree of the said Court" shall be inserted.

(c) after form No. 6 the following forms shall be inserted, namely:—

"No. 6-A (o.41.A.r.2.)

Notice to Respondent.

(Cause title)

Appeal from the of the
Court of dated the day of
19 .
To Respondent.

Take notice that an appeal from the above decree (order) has been presented by the above named appellant and registered in this Court, and that if you intend to defend the same you must enter an appearance in this court and give notice thereof to the appellant or his pleader within 30 days after service of this notice on you.

If no appearance is entered on your behalf by yourself, your pleader or some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

The address for service of the appellent is that of his pleader Mr. A. B. of (insert address)

(If the appellant appears in person, insert his address for service.)
Given under my hand and the seal of the Court this
day of 19 .

(Interlocutory application No. of 19 has been made by appellant, and execution has been stayed for other order made) by order dated the day of 19 ,).

No. 6-B (O.41-A.r.8)

Memorandum of appearanee.

(Cause—title)

Take notice that the
respondent intends to appear and defend the above appeal, and that his address for service of all notice and process is (insert address)

The said respondent requires a list of the papers which the appellant proposes to translate and print.

Dated the day of 19 .

(Signed) C. D.
Vakil for Respondent.

To the Registrar, High Court of Judicature, Kerala)"

(d) (i) in form No. 9 in title for the words, Order In Appeal" the word "Order" shall be substituted.

(ii) for the existing form 9 the following shall be substituted, namely:—

In the Court of the
Present

Judge

day, the day of
Appeal Suit
Civil Miscellaneous | No.
Appeal Suit
Between Appellant.
and
Appellant.

On appeal from the Decree|Order of the Court of
dated the day of 19
and made in

Original |
Execution Petition |No.
Interlocutory application |

Between

Plaintiff-Petitioner

and Defendant-Respondent

Particulars of valuation.

		Rs. As. Ps.
1. Valuation in Appeal	..	
2. Do. Suit	..	

Decree|Order:—This appeal coming on this day for hearing having been heard on the day of 19 , upon perusing the grounds of appeal, the Decree|Order and Judgment of the lower court and the material papers in the case and upon hearing the arguments of Mr.
for the Appellant and of Mr.
for the Respondent, and the appeal having stood over to this day for consideration, this Court doth order and decree that the decree|order of the lower court be and hereby is confirmed and this appeal dismissed.

This Court doth further order and decree that the Appellant, ( ) do pay to the Respondent ( ) Rs. for costs in this appeal and do bear own costs Rs.

Particulars of costs.

Appellants	Amounts	Respondents	Amount
	Rs. A. P.		Rs. A. P.
1. Stamp on appeal Memo		1. Stamp for power	
2. Stamp on vakalath		2. Stamp for petition	
3. Stamp on copies of lower Court decree order and judgment including copying fee		3. Services of processes	
4. Stamp on petition		4. Pleaders fee on Rs.	
5. Process fees		5. Fee for preparation of process	
6. Fee for preparation of process			
7. Pleader's fee on Rs.			
To al		Total	

Given under my hand and the seal of the Court,
this day of 19 .

Judge

Court
Appeal Suit
Civil Miscellaneous No. of 19 .
Appeal Suit
Decree-Order "

G. 1449

(f) after form No. 12 the following forms shall be inserted, namely:—

No. 12-A. CERTIFICATE OF LEAVE TO APPEAL TO THE SUPREME COURT

(O. XLV.r.7)

(In cases where the subject-matter of the appeal is of sufficient value and the findings of the Courts are not concurrent).

Read petition presented under O.XLV.r.1 of the Code of Civil Procedure, praying for the grant of a certificate to enable the petitioner to appeal to the Supreme Court against the decree|final order of this Court in Suit No.

The petition coming on for hearing, upon perusing the petition and the grounds of the appeal to the Supreme Court and the other papers material to the application and upon hearing the arguments of for the petitioner and of for the respondent (if he appears) this Court doth certify that the value|amount of the subject matter of the suit to the court of first instance is Rs. 20000| upwords of 20000 and the value|amount of the subject matter in dispute on appeal to the Supreme Court is also of the value of Rs. 20000|upwards Rs. 20000 or that the decree|final order appealed from involves directly|indirectly some claim or question to|respecting property of the value of Rs. 20000|upwards of 20000 and that the decree|final order appealed from does not affirm the decision of the lower court.)

No. 12 B.

CERTIFICATE OF LEAVE TO APPEAL TO THE SUPREME COURT.

(O. XLV. r. 7)

(In cases where the subject matter is of sufficient value and the findings of the Court are concurrent).

Read petition presented under O. XLV r. 3 of the Code of Civil Procedure praying for the grant of a certificate to enable the petitioner to appeal to the Supreme Court against the decree|final order of this Court in suit No. of.

The petition coming on for hearing, upon perusing the petition and the grounds of appeal to the Supreme Court and other papers material to the application and upon hearing the argument of for the petitioner and of for the respondent (if he appears) this court doth certify that the amount|value of the subject matter of the suit in the court of first instance is Rs. 20,000|upwards of Rs. 20,000 and the amount|value of the subject matter in dispute on appeal to the Supreme Court is also of the value of Rs. 20,000|upwards of Rs. 20,000 or that the decree|final order appealed against involves directly|indirectly some claim or question to|respecting property of the value of Rs. 20,000|upwards of Rs. 20,000 and that affirming decree|final order appealed from involves the following substantial question(s) of law, viz.

No. 12 C.

CERTIFICATE OF LEAVE TO APPEAL TO THE SUPREME COURT.

(O. XLV r. 7)

(In cases where the subject matter in dispute is either not of sufficient value or is incapable of money valuation.

Read petition presented under O. XLV r. 3 of the Code of Civil Procedure praying for the grant of a certificate to enable the petitioner

to appeal to the Supreme Court against the decree|final order of this court in suit No. of 19 .

The petition coming on for hearing, upon perusing the petition and the grounds of appeal to the Supreme Court and other papers material to the application and upon hearing the arguments of for the petitioner and of for the respondent (if he appears) this court doth certify that the amount|value of the subject matter of the suit both in the court of the first instance and in this Court is below Rs. 20,000 in value|incapable of money valuation this court in the exercise of the discretion vested in it is satisfied that the case is a fit one for appeal to the Supreme Court for the reasons set forth below viz.,

(1)

(2)

43. in Appendix H, after form No. 11 the following Form shall be inserted, namely:—

No. 11-A. Notice to proposed guardian of minor defendant|respondent.
(O. 32 r. 3 (9))

To

(Name, description and place of residence of minor defendant| respondent.

(Name, description and place of residence of proposed guardian)

This notice that X plaintiff|appellant in has presented a petition to the Court praying that you be appointed guardian ad litem to the minor defendant(s)|respondent(s) and that the same will be heard on the day of 19 .

2. The affidavit of X has been filed in support of this application.

3. If you are willing to act as guardian for the said defendant (s)| respondent(s) you are requested to sign (or affix your mark to) the declaration on the back of this notice.

4. In the event of your failure to signify your express consent in the manner indicated above, take further notice that the Court may proceed under Order XXXII r. 3, Code of Civil Procedure, to appoint some other suitable person or one of its officers as guardian ad litem of the minor defendant(s)|respondent(s) aforesaid.

Dated the day of 19 .

(Signed)

(To be printed on the reverse)

I hereby acknowledge receipt of a duplicate of this notice and consent to act as guardian of the minor defendant(s)|respondent(s) therein mentioned.

Witnesses (Signed) Y. Z.

1.

2.

By order,
M. BALAKRISHNA MENON,
Registrar.